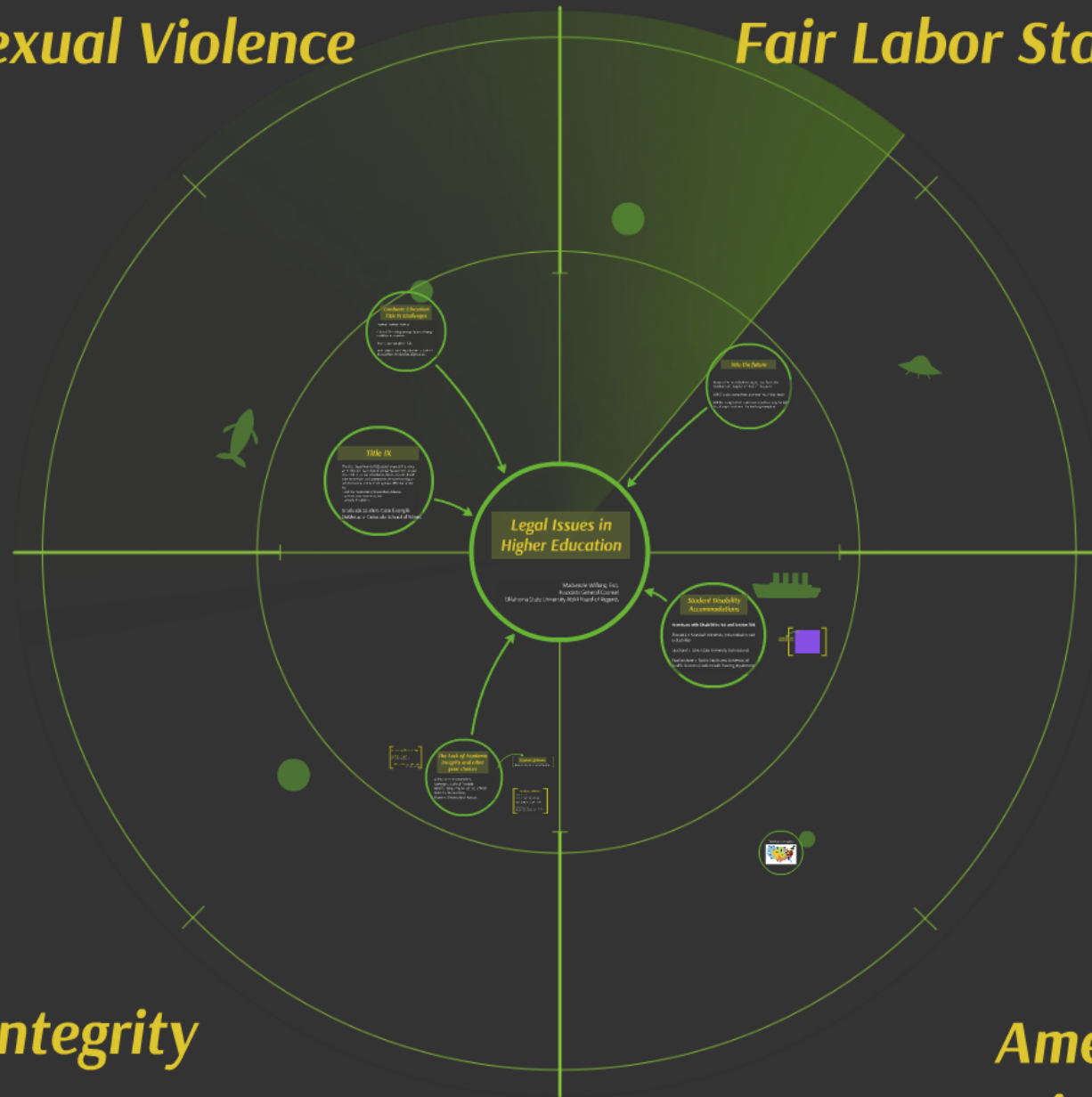


**Title IX - Sexual Violence**

**Fair Labor Standards Act**



**Academic Integrity  
Advisors**

**Americans with  
Disabilities Act**

**What's on your legal radar?**



# *Legal Issues in Higher Education*

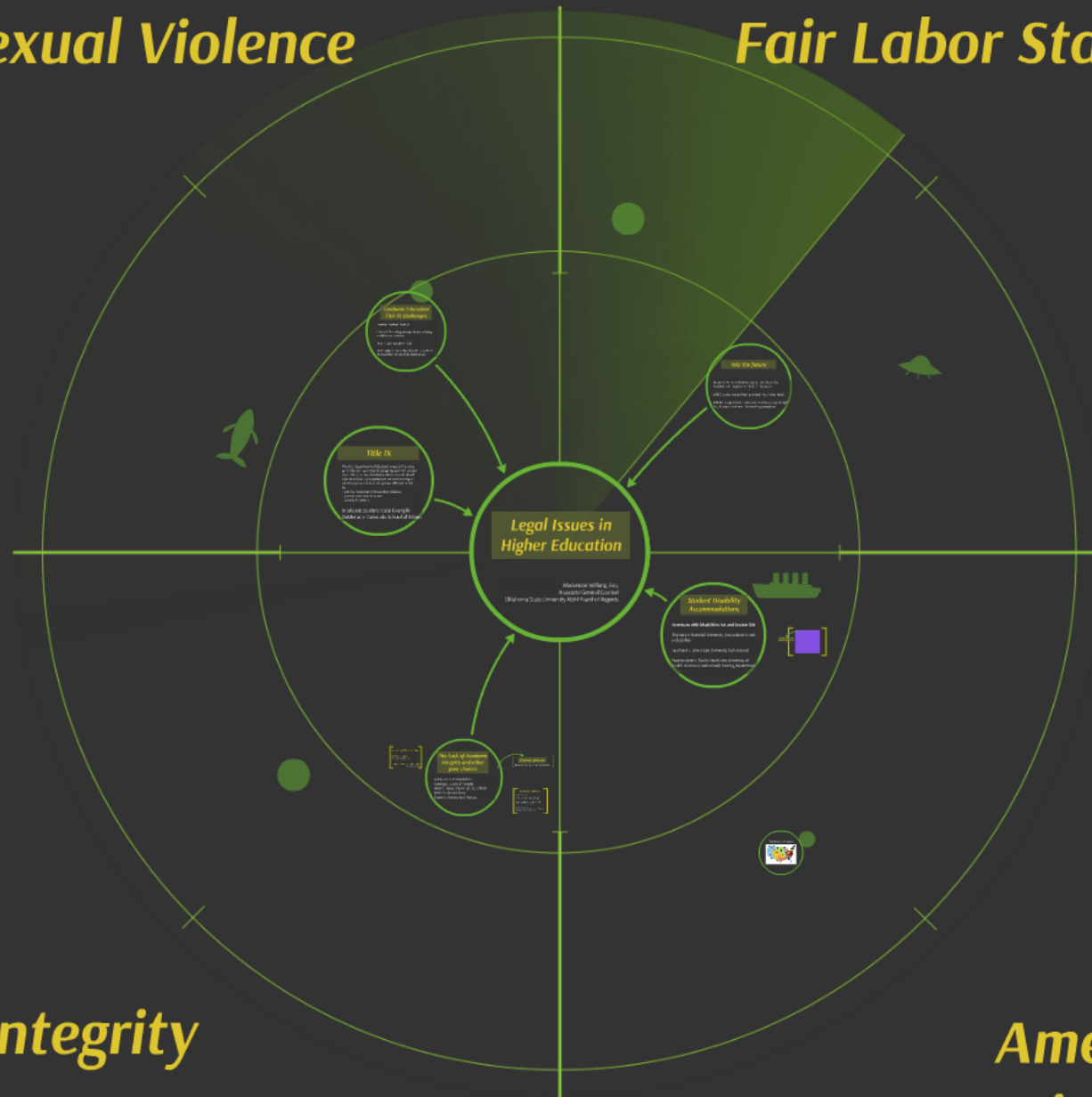
Mackenzie Wilfong, Esq.  
Associate General Counsel  
Oklahoma State University A&M Board of Regents

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**Title IX - Sexual Violence**

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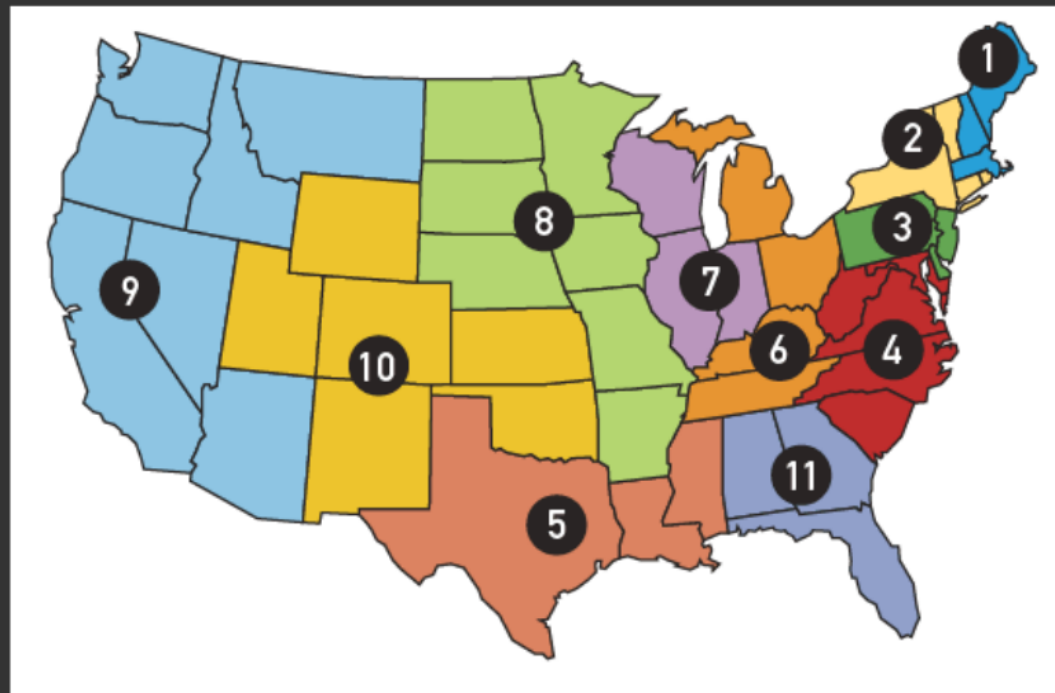


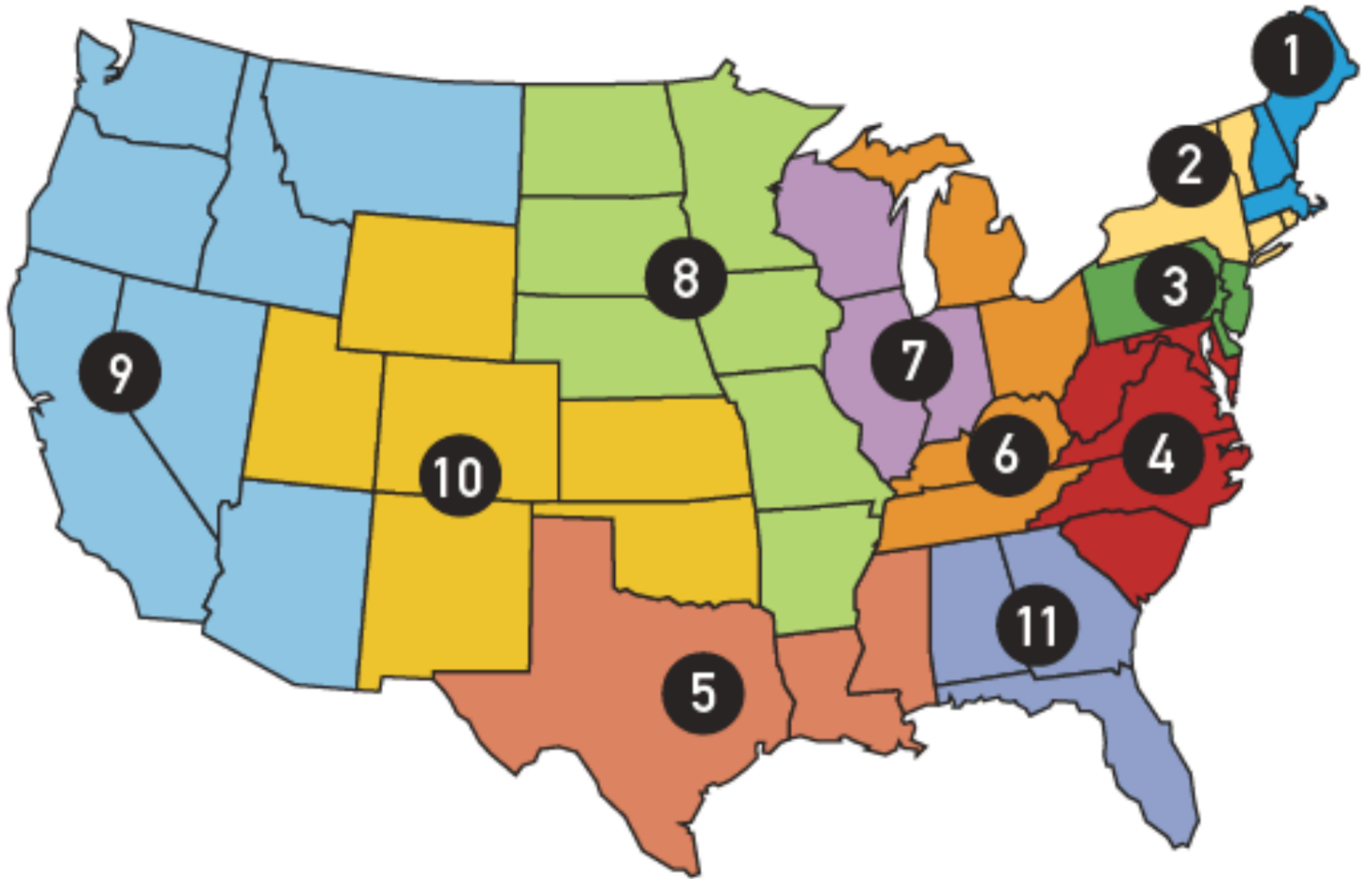
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# Federal Courts of Appeals







## *Student Disability Accommodations*

### **Americans with Disabilities Act and Section 504**

Zimmeck v. Marshall University (misconduct is not a disability)

Sjostrand v. Ohio State University (admissions)

Featherstone v. Pacific Northwest University of Health Sciences (student with hearing impairment)

# What is a Service Dog?

The Americans with Disabilities Act (ADA) defines Service Dogs as dogs that are individually trained to do work or perform tasks for people with disabilities. (Some state and local laws define service dogs more broadly than the ADA.)

There are different types of service dogs: guide dogs for the blind, hearing dogs, mobility dogs, medical alert dogs, medical assistance dogs, and psychiatric service dogs.

Service dogs undergo extensive training to perform their jobs.

Service dogs perform a variety of different tasks.

Service dogs are not pets. Do not pet, talk to, or distract a working service dog.

The only types of animals recognized by the ADA as trained to do work/perform tasks for people with disabilities are dogs and miniature horses.



Service dogs can be any breed or size. While larger dogs such as Labradors are commonly used as guide and mobility dogs, smaller dogs can also be service dogs.

Service dogs often (but not always) wear special harnesses or vests with patches identifying them as service, guide, or medical alert dogs.

A service dog is expected to behave in accordance with strict standards, and its handler is expected to adhere to service dog handler etiquette.

Under the ADA, service dogs are allowed access to any place that is open to the public, however can be asked to leave if not under control. A service dog must be accompanying a disabled person in order to be granted access - the ADA protects the rights of the disabled handler, not the dog. (Remember, not all disabilities are apparent to others.)

*with a comfort  
just ask  
and Kent State*



*Don't confuse this with a comfort animal in housing...just ask Nebraska Kearney and Kent State*



ce between

duct Problems  
(alcohol and drugs)

# *The Lack of Academic Integrity and other poor choices*

A few cases to remember...  
Gamage v. State of Nevada  
Perez v. Texas A & M, Corpus Christi  
Borrell v. Bloomsburg  
Brown v. University of Kansas

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There is a big difference between

**Academic Integrity**

(think cheating and plagiarism)

**Disciplinary and Student Conduct Problems**

(think alcohol and drugs)

# *Graduate Advisors*

"Hypothetical Facts"

Graduate Student gets so cross-ways with the dissertation chair the chair/advisor resigns.

No other faculty are willing, or able if the sub-discipline is unique, to stand up.

What's a Dean to do?

Read two cases *Emeldi v. Oregon* & *Ashokukumar v. Nebraska*....and then hope for the best



# *Students felonies*

charges and convictions are not the same

# *Title IX*

The U.S. Department of Education expects that once an institution has notice of sexual harassment, sexual misconduct, or sexual violence the institution should take immediate and appropriate steps to investigate what occurred and take prompt and effective action to:

- end the harassment/misconduct/violence,
- prevent any recurrence, and
- remedy the effects.

Graduate Student Case Example  
DuMerac v. Colorado School of Mines

# *Graduate Education Title IX Challenges*

Training, Training, Training

GAs and TAs dating undergraduates or being a confidant to a survivor

Internet pornography in labs

International norms regarding sexual violence that conflict with domestic expectations

## *Into the future*

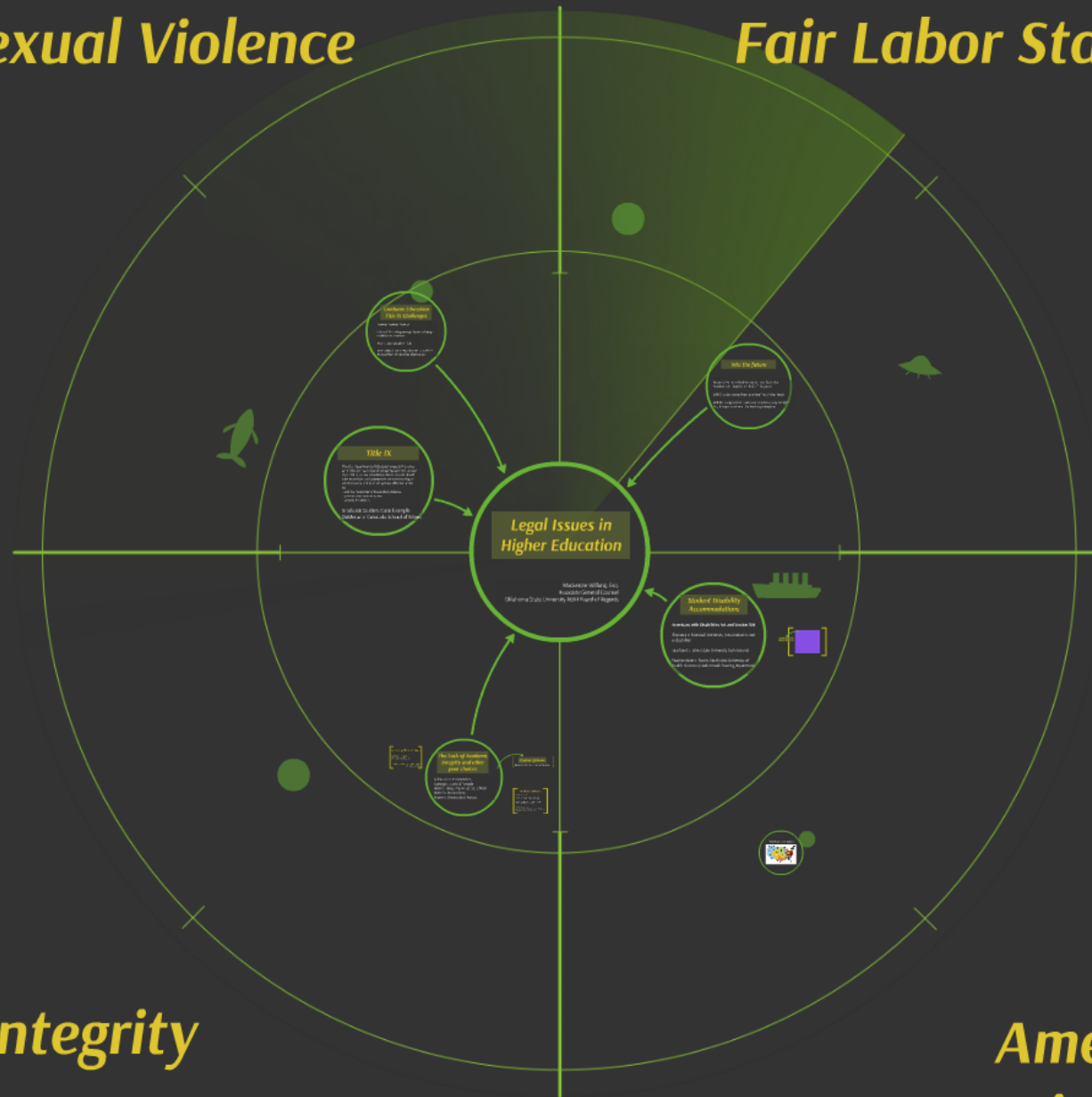
Notice of Proposed Rulemaking for new Fair Labor Standards Act Regulations (hot off the press)

Will GAs stay exempt from overtime? Yes, if they teach

Will their wages need to increase in order to stay exempt?  
Yes, if they do not meet the teaching exemption

**Title IX - Sexual Violence**

**Fair Labor Standards Act**



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